

SECOND REGULAR SESSION

SENATE BILL NO. 1163

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5400S.011

AN ACT

To repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to the transfer of the administration of the crime victims' compensation fund from the department of revenue to the department of public safety.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 595.045, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 595.045, to read as follows:

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be
3 assessed as costs in each court proceeding filed in any court in the state in all
4 criminal cases including violations of any county ordinance or any violation of
5 criminal or traffic laws of the state, including an infraction and violation of a
6 municipal ordinance; except that no such fee shall be collected in any proceeding
7 in any court when the proceeding or the defendant has been dismissed by the
8 court or when costs are to be paid by the state, county, or municipality. A
9 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile
10 court proceeding in which a child is found by the court to come within the
11 applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

12 2. Notwithstanding any other provision of law to the contrary, the moneys
13 collected by clerks of the courts pursuant to the provisions of subsection 1 of this
14 section shall be collected and disbursed in accordance with sections 488.010 to
15 488.020, RSMo, and shall be payable to the director of the department of
16 [revenue] **public safety**.

17 3. The director of [revenue] **the department of public safety** shall
18 deposit annually the amount of two hundred fifty thousand dollars to the state

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 forensic laboratory account administered by the department of public safety to
20 provide financial assistance to defray expenses of crime laboratories if such
21 analytical laboratories are registered with the federal Drug Enforcement Agency
22 or the Missouri department of health and senior services. Subject to
23 appropriations made therefor, such funds shall be distributed by the department
24 of public safety to the crime laboratories serving the courts of this state making
25 analysis of a controlled substance or analysis of blood, breath or urine in relation
26 to a court proceeding.

27 4. The remaining funds collected under subsection 1 of this section shall
28 be denoted to the payment of an annual appropriation for the administrative and
29 operational costs of the office for victims of crime and, if a statewide automated
30 crime victim notification system is established pursuant to section 650.310,
31 RSMo, to the monthly payment of expenditures actually incurred in the operation
32 of such system. Additional remaining funds shall be subject to the following
33 provisions:

34 (1) On the first of every month, the director of [revenue] **the department**
35 **of public safety** or the director's designee shall determine the balance of the
36 funds in the crime victims' compensation fund available to satisfy the amount of
37 compensation payable pursuant to sections 595.010 to 595.075, excluding sections
38 595.050 and 595.055;

39 (2) Beginning on September 1, 2004, and on the first of each month, the
40 director of [revenue] **the department of public safety** or the director's
41 designee shall deposit fifty percent of the balance of funds available to the credit
42 of the crime victims' compensation fund and fifty percent to the services to
43 victims' fund established in section 595.100.

44 5. The director of [revenue] **the department of public safety** or such
45 director's designee shall at least monthly report the moneys paid pursuant to this
46 section into the crime victims' compensation fund and the services to victims fund
47 to the division of workers' compensation and the department of public safety,
48 respectively.

49 6. The moneys collected by clerks of municipal courts pursuant to
50 subsection 1 of this section shall be collected and disbursed as provided by
51 sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable
52 to the city treasury of the city from which such funds were collected. The
53 remaining ninety-five percent of such moneys shall be payable to the director of
54 [revenue] **the department of public safety**. The funds received by the director

55 of [revenue] **the department of public safety** pursuant to this subsection shall
56 be distributed as follows:

57 (1) On the first of every month, the director of [revenue] **the department**
58 **of public safety** or the director's designee shall determine the balance of the
59 funds in the crime victims' compensation fund available to satisfy the amount of
60 compensation payable pursuant to sections 595.010 to 595.075, excluding sections
61 595.050 and 595.055;

62 (2) Beginning on September 1, 2004, and on the first of each month the
63 director of [revenue] **the department of public safety** or the director's
64 designee shall deposit fifty percent of the balance of funds available to the credit
65 of the crime victims' compensation fund and fifty percent to the services to
66 victims' fund established in section 595.100.

67 7. These funds shall be subject to a biennial audit by the Missouri state
68 auditor. Such audit shall include all records associated with crime victims'
69 compensation funds collected, held or disbursed by any state agency.

70 8. In addition to the moneys collected pursuant to subsection 1 of this
71 section, the court shall enter a judgment in favor of the state of Missouri, payable
72 to the crime victims' compensation fund, of sixty-eight dollars upon a plea of
73 guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea
74 of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea
75 of guilty or a finding of guilt for any misdemeanor under Missouri law except for
76 those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,
77 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating
78 to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic
79 regulations, chapter 306, RSMo, relating to watercraft regulation and licensing,
80 and chapter 307, RSMo, relating to vehicle equipment regulations. Any clerk of
81 the court receiving moneys pursuant to such judgments shall collect and disburse
82 such crime victims' compensation judgments in the manner provided by sections
83 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
84 deposited to the credit of the crime victims' compensation fund.

85 9. The clerk of the court processing such funds shall maintain records of
86 all dispositions described in subsection 1 of this section and all dispositions where
87 a judgment has been entered against a defendant in favor of the state of Missouri
88 in accordance with this section; all payments made on judgments for
89 alcohol-related traffic offenses; and any judgment or portion of a judgment
90 entered but not collected. These records shall be subject to audit by the state

91 auditor. The clerk of each court transmitting such funds shall report separately
92 the amount of dollars collected on judgments entered for alcohol-related traffic
93 offenses from other crime victims' compensation collections or services to victims
94 collections.

95 10. The department of [revenue] **the department of public safety** shall
96 maintain records of funds transmitted to the crime victims' compensation fund
97 by each reporting court and collections pursuant to subsection 16 of this section
98 and shall maintain separate records of collection for alcohol-related offenses.

99 11. The state courts administrator shall include in the annual report
100 required by section 476.350, RSMo, the circuit court caseloads and the number
101 of crime victims' compensation judgments entered.

102 12. All awards made to injured victims under sections 595.010 to 595.105
103 and all appropriations for administration of sections 595.010 to 595.105, except
104 sections 595.050 and 595.055, shall be made from the crime victims' compensation
105 fund. Any unexpended balance remaining in the crime victims' compensation
106 fund at the end of each biennium shall not be subject to the provision of section
107 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary
108 revenue fund of the state, but shall remain in the crime victims' compensation
109 fund. In the event that there are insufficient funds in the crime victims'
110 compensation fund to pay all claims in full, all claims shall be paid on a pro rata
111 basis. If there are no funds in the crime victims' compensation fund, then no
112 claim shall be paid until funds have again accumulated in the crime victims'
113 compensation fund. When sufficient funds become available from the fund,
114 awards which have not been paid shall be paid in chronological order with the
115 oldest paid first. In the event an award was to be paid in installments and some
116 remaining installments have not been paid due to a lack of funds, then when
117 funds do become available that award shall be paid in full. All such awards on
118 which installments remain due shall be paid in full in chronological order before
119 any other postdated award shall be paid. Any award pursuant to this subsection
120 is specifically not a claim against the state, if it cannot be paid due to a lack of
121 funds in the crime victims' compensation fund.

122 13. When judgment is entered against a defendant as provided in this
123 section and such sum, or any part thereof, remains unpaid, there shall be
124 withheld from any disbursement, payment, benefit, compensation, salary, or other
125 transfer of money from the state of Missouri to such defendant an amount equal
126 to the unpaid amount of such judgment. Such amount shall be paid forthwith to

127 the crime victims' compensation fund and satisfaction of such judgment shall be
128 entered on the court record. Under no circumstances shall the general revenue
129 fund be used to reimburse court costs or pay for such judgment. The director of
130 the department of corrections shall have the authority to pay into the crime
131 victims' compensation fund from an offender's compensation or account the
132 amount owed by the offender to the crime victims' compensation fund, provided
133 that the offender has failed to pay the amount owed to the fund prior to entering
134 a correctional facility of the department of corrections.

135 14. All interest earned as a result of investing funds in the crime victims'
136 compensation fund shall be paid into the crime victims' compensation fund and
137 not into the general revenue of this state.

138 15. Any person who knowingly makes a fraudulent claim or false
139 statement in connection with any claim hereunder is guilty of a class A
140 misdemeanor.

141 16. Any gifts, contributions, grants or federal funds specifically given to
142 the division for the benefit of victims of crime shall be credited to the crime
143 victims' compensation fund. Payment or expenditure of moneys in such funds
144 shall comply with any applicable federal crime victims' compensation laws, rules,
145 regulations or other applicable federal guidelines.

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